IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.1737 OF 2006

Aditi Ravindra Tapale and Ors. ..Petitioners

Vs.

Maharashtra Public Service Commission ..Respondent

....

Mr.S.B.Deshmukh Adv. for Petitioners

....

CORAM: F.I.REBELLO AND SMT.V.K.TAHILRAMANI,JJ.
DATE : AUGUST 1, 2006

P.C.(PER SMT.V.K.TAHILRAMANI,J.):

1. Petitioners who had appeared for the Maharashtra Public Service Commission (Main) Examination in the year 2005, have filed this petition under Article 226 of the Constitution of India challenging the orders cancelling each of the petitioners' candidature.

2. The Ist Petitioner No.1 Aditi Ravindra Tapale wrote her compulsory English subject paper on 11.2.2005 at H.V.Desai College centre at Pune and

her Seat No. was PN005635. The Petitioner No.2 Patil Bharati Vitthal wrote a paper of Geography subject on 15.2.2005 at Vivekanand Arts and Commerce College, Aurangabad centre. Her Seat No. was AU000078 and the 3rd Petitioner Madne Monika Suresh wrote her Compulsory English subject at Sub-Centre at Fergusson College, Pune and her Seat No. was PN-005222. Each one of them was issued show-cause Notice dated 21.4.2006 and each of them has submitted replies to the said show cause notice. By taking into consideration the replies to the show cause notice, the impugned orders came to be passed cancelling the candidature of each of the petitioners for the said exams.

3. As per show cause notice, the petitioner No.1 had written her own address in answer to the Question No.2-A relating to letter writing in the subject of compulsory English. The Petitioner No.1 in her reply has stated that she wrote address by mistake and due to pressure of examination. She further submitted that the mistake was inadvertent and unintended. Thus, it is admitted by the petitioner No.1 that she had indeed written the address on her answer paper. In such case, we do

not find any reason to hold that the Respondent was in any way at fault in rejecting the explanation of the petitioner No.1. It was also contended on behalf of petitioner No.1 that the English compulsory examination paper did not set out any instructions forbidding the examinees from writing her address on the lines of instructions contained in the subject of Marathi (Compulsory) paper. This defence does not appeal to us for the simple reason that clause 16 of the Admission Card issued to the examinees states as under:

> . Candidates should carefully fill in the entries on the front page of the answer sheet. (Candidates) should write their seat number at the specified place in the right side half portion on the front page of the answer sheet; for example, if number is M.B 000132 then it should be indicated (mentioned) as MB 000132. Except at the specified place on the answer sheet, the candidate should not mention his/her name, seat number or make any identifying mark any where or

in the answer sheet and graph paper. Moreover, if a report or a letter writing is asked to be written, then at such place the candidate should not put their signature or initial but instead should write A B C only; moreover, if it is required to cancel the answers, they should only strike out the line on such answers, signature should not be made at such place.

4. The above instructions are clear and unambiguous that the examinees were clearly forbidden from writing the names, seat number or any identifying mark on the answer sheets except at the place indicated. In addition, it is stated in the said clause that while writing letter or precise writing(Ahawal), the examinees were forbidden from signing or initialling and they were asked to write only ABC.

5. So far as the other two petitioners are

concerned, they were found guilty of writing their seat numbers on the maps annexed to the answer-sheets. In reply to the show cause notice, they admitted that they committed mistake but it was by inadvertence and there was no ill intention. However, we are not impressed by this plea. It was submitted before us that petitioners Nos.2 and 3 wrote their seat numbers on the maps annexed to the main paper by way of precaution as they apprehended that as the map was annexed to the answer-sheet by thread, it may be misplaced in which case, it would be difficult to ascertain which candidate had answered the said map. In our view, this defence is equally frivolous and it is by way of an after thought, hence, the same is hereby rejected.

6. The Commission is discharging its constitutional function while conducting examinations for the State Service selection. The instructions have been framed by it so as to maintain strict standards and confidentiality regarding the identity of the examinees. The instructions must be followed in their letter and spirit. The petitioners were given an opportunity to submit their defence on the show cause notices

and thus, the principles of natural justice have been followed while issuing the impugned orders. In any case, none of the petitioners have been debarred from appearing in future for the M.P.S.C. examinations and the cancellation of their candidatures is only for the examination held in the year 2005 and it cannot be said that the order is shockingly disproportionate. Hence, no case is made out for interference with the impugned orders.

7. In the result, the petition fails and is hereby rejected summarily.

[F.I.REBELLO, J.]

[V.K.TAHILRAMANI,J.]